

### **REMARKS**

Claims 1, 4 and 10 have been examined. Claim 1 has been amended. New claims 26-28 have been added. Reconsideration of the claims, as amended, is respectfully requested.

#### **Election/Restriction**

Applicant's acknowledge the examination of claims 1, 4 and 10. Claims 2, 3, 5-9, 11 and 12 have been withdrawn pursuant to an election of species requirement.

#### **Claim Rejections - 35 USC 112**

Claims 1, 4 and 10 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 1 has been amended to cancel the narrower range. Hence, the section 112 rejection is rendered moot.

#### **Claim Rejections - 35 USC 102/103**

Claims 1, 4 and 10 have been rejected under 35 USC 102 as being anticipated by or, in the alternative, under 35 USC 103(a) as being obvious over Greene. This rejection is respectfully traversed.

As currently amended, claim 1 claims a moulded foamed article having a core and an outer integral elastomeric skin. The core comprises a foamed material, the skin of which contributes to the article hardness, as measured using an hemispherical indenter, by no more than 25%.

In contrast, the Greene patent nowhere describes or suggests a moulded foamed article having a core and an outer integral elastomeric skin. In making the rejection, it appears that the office action fails to recognize the absence of the outer integral elastomeric skin in the Greene reference. More specifically, the Office Action recites:

*As such, since Greene teaches the same subject-matter (an integrally molded polyurethane cushion) as instant invention, in the absence of evidence to the contrary, it is the Examiner's position that suitable hardness is either anticipated by Greene, or obviously provided by practicing the invention of prior art. It should be noted that where the claimed and prior art products are shown to be identical or substantially identical in structure or composition, or are produced*

*by identical or substantially identical processes, a prima facie case of either anticipation or obviousness has been established.*

In this rejection, the office action assumes that "*the claimed and prior art products are shown to be identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes*". Applicant respectfully disagrees with the proposition that the Greene product and the claimed product are identical or substantially identical.

Unlike Greene, the claimed invention relates to a molded foamed article having a core and an outer integral elastomeric skin. It is disputed that Greene discloses such an outer integral elastomeric skin.

The claimed invention allows for the design of skin materials which are at the same time very thin, very soft to preserve the properties of the core material, very elastic to avoid the shear forces which may cause discomfort or even so-called decubitus ulcers when in contact with skin, and yet strong, impervious to fluids, and durable. In contrast, Greene discloses a process for manufacturing foamed articles which are aimed at having a waterproof coating, such as marine cushions. In this process, a first polyurethane skin material is applied to the bottom surface of a 2-part mould and allowed to harden (see at col. 2, lines 46-47). A resilient foam is then poured in the mould over the skin and allowed to rise to fill the mould cavity. Importantly, the foamed core is poured after the first layer is hardened. Further, once the core is poured, it takes 5 to 10 minutes for the foam to rise, fill the mould cavity and cure. (see at col. 2, lines 60-62). The upper lid of the mould is then removed and a second skin layer is then deposited over the foamed core. Not only does this fail to teach an integral elastomeric skin, this technique also does not give satisfactory results.

The Greene process thus involves the following steps: (1) providing a first layer that is already hardened; (2) waiting 5 to 10 minutes for the foam to rise; and then (3) forming the upper layer. Thus, when the upper layer is deposited, the first layer is almost completely cured, which prevents the formation of a tight, impervious seal around the parting line. Thus, the Greene article is does not teach or suggest what the invention claims, i.e. having an outer integral elastomeric skin.

For this reason, it is believe that Greene cannot anticipate nor render obvious the present invention. As such, it is respectfully requested that the section 102/103 rejection of the claims in view of Greene be withdrawn.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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